

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

RICHARD SCHIFFMANN,  
Plaintiff,

v.

C.A. No. 12-695 ML

UNITED STATES OF AMERICA,  
Defendant.

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UNITES STATES OF AMERICA,  
Counterclaim Plaintiff,

v.

RICHARD SCHIFFMANN, GEORGE STROUTHOPOULOS,  
ERWIN W. VAHLSING, JR., and STEPHEN  
CUMMINGS,  
Counterclaim Defendants.

ORDER

On April 9, 2014, this Court issued a Memorandum and Order (Docket # 40) granting the Government's Motion for Summary Judgment (Docket #33) on the counterclaims asserted by the Government as to Richard Schiffmann, George Strouthopoulos, and Stephen Cummings. After issuing its decision on the Motion for Summary Judgment, the Court inquired of counsel for the Government and Mr. Schiffmann as to their position regarding Mr. Schiffmann's claim to set aside the assessments and penalties (Docket #1) inasmuch as those claims relate to the Government's counterclaim.

In correspondence with the Court, Mr. Schiffmann, through counsel, asserts that his claims remain viable since they were not addressed in the Government's Motion for Summary Judgment. The Government acknowledges that it did not move for summary

judgment on Schiffmann's original claim, but it takes the position that the decision on the Motion for Summary Judgment resolves all the outstanding issues in the case.

The Memorandum and Order details the liability of each counterclaim Defendant including Schiffmann. In light of the Court's factual determinations as set forth in the Memorandum and Order, it is readily apparent that Schiffmann's claims as asserted in the original complaint have been determined to be without merit.

Accordingly, the Clerk is directed to enter Judgment in favor of the Government on Schiffmann's original complaint and on the Government's counterclaims as set forth in the Memorandum and Order issued on April 9, 2014.

SO ORDERED:

/s/ Mary M. Lisi

Mary M. Lisi  
United States District Judge  
April 15, 2014